

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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## PLANNING BOARD

**May 23, 2022  
Meeting Minutes**

Chair Gregory Rondeau called the above-captioned meeting held in the Town Council Chambers at 355 East Central Street, Franklin, MA, to order this date at 7:00 PM. The public had the option of attending the meeting live at the Town Hall, dialing into the meeting using the provided phone number, or participating by copying the provided link. Members in attendance: Gregory Rondeau, Chair; William David, Vice Chair; Beth Wierling, Clerk; Rick Power; Jennifer Williams; Jay Mello, associate member. Members absent: None. Also present: Amy Love, Planner; Michael Maglio, Town Engineer; Gary James, BETA Group, Inc. (via Zoom).

### 7:00 PM Commencement/General Business

Chair Rondeau reviewed the Zoom platform call-in phone number and the Zoom link which were provided on the meeting agenda. The meeting was audio and video recorded.

#### **A. Endorsement: 120 Constitution Boulevard**

*Motion to Endorse 120 Constitution Boulevard. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).*

#### **B. Field Change: 15 Freedom Way**

Chair Rondeau asked if BETA verified the catch basin cleaning. Mr. Maglio explained that during the design phase when the applicant was coming in for permitting, they had a history of backups along the driveway going to the site, so that was the reason for proposing a new 24 in. drain line. He stated that the catch basins were cleaned out. He stated that this did not really have anything to do with the expansion of the parking lot. He noted that catch basins should usually be cleaned about once a year or when more than half full.

*Motion to Approve Field Change for 15 Freedom Way. Rondeau. Second: Power. Vote: 5-0 (5-Yes; 0-No).*

#### **C. CPC Appointee**

*Motion to Approve Rick Power as continuing as CPC Appointee. Rondeau. Second: David. Vote: 5-0 (5-Yes; 0-No).*

Chair Rondeau stated that as requested by the applicant, the public hearing for 230 East Central Street will be tentatively continued to June 6, 2022. Members of the public present in the Council Chambers made comments and asked questions about the continuance.

### 7:05 PM PUBLIC HEARING – Continued

#### Upper Union Street

Site Plan

*Documents presented to the Planning Board are on file.*

Mr. Nick Dewhurst (via Zoom) of Bohler Engineering, Mr. Randy Miron (via Zoom) of Bohler Engineering, Mr. Matthew Clark (via Zoom), owner/developer, and Mr. John Vignone (via Zoom) attorney on behalf of the applicant, addressed the Planning Board. Mr. Dewhurst stated that since they were last before the Planning Board, they have been working with Ms. Love, Mr. Maglio, and Mr. James of BETA regarding some of the outstanding issues. He highlighted some items that have changed. He noted that the sidewalk was added along the frontage of Upper Union Street, and some additional landscaping was added at the request of the Planning Board at the last meeting. He stated that they added additional landscaping along the wetland buffer in the rear, and they have been working with the Conservation Commission regarding the NOI. He stated that they are confident they have satisfied all of their issues and expect approval at the Conservation Commission's May 26, 2022, meeting. They have slightly revised the retaining wall layout along the southern property line as well as the driveway. He stated that at the request of the Planning Board, they have revised their parking calculations to exclude any spaces along the front of the building; they still meet the required parking per the zoning regulations. He stated that a lot of Mr. James's issues that they worked through together were stormwater related. He stated that Mr. James has a few minor outstanding issues regarding requests for additional information; he expects to have those responses and materials to Mr. James in the coming days. He stated that they have addressed Mr. Maglio's questions.

Ms. Love stated that the applicant is still before the Conservation Commission and the next meeting will be May 26, 2022. She stated that the applicant is proposing Cape Code berm throughout the site, except as required; the entrance is vertical granite curb. The Planning Board requested concrete or granite curbing. She stated that the Planning Board requested certificate of ownership be submitted from the abutting property owner to allow use of the drainage system; the easement deed was provided. The applicant should provide any waivers that they are requesting.

Mr. Maglio stated that he reviewed the plans last week and had about four comments related to drainage and grading. They had a meeting with the applicant. The comments were addressed and the applicant submitted an updated plan. Therefore, all his comments have been addressed.

Mr. James stated that most of his comments were related to stormwater, and most have been addressed. It is anticipated that the applicant will get approval from the Conservation Commission based on the changes made. He stated that he had a few legal questions regarding the abutting parcel; he is hoping the applicant's counsel will provide an update. He stated that he believes the applicant will require two minor waivers associated with landscaping. He confirmed that he is comfortable with the one entry. He stated that this was approved with one entry on the far side; he does not see the access as being an issue.

Ms. Love confirmed that the Planning Board requested the curbing change, but it has not been made. Mr. Dewhurst stated that he did not remember getting specific guidance on the type of curbing; they would be happy to change the curbing. Chair Rondeau stated sloped or vertical granite is fine. Mr. Maglio stated that typically the Planning Board requires granite or reinforced concrete. Mr. Dewhurst stated that probably pre-cast concrete would be ideal for this use.

Attorney Vignone stated that he provided a letter to the Planning Board providing information on the reciprocal easement agreement; he reviewed the agreement.

Ms. Williams discussed the location of parking spaces, the impervious area, and the heat coming off the pavement. She asked if they would consider some changes which she reviewed. She noted the applicant was not going to have the appropriate number of trees within 5 ft. of the parking spaces. She asked if

they would replace parking spaces with an island where they can put in some of the trees in order to get the tree count up to closer to where it should be.

Mr. James noted the applicant was short two or three trees and the question was the proximity to the parking spaces within 5 ft. Chair Rondeau stated that if the trees cannot be installed, could they put in some shrubs. Mr. Dewhurst stated that they could take a look at that. He stated that the units are individually rented; he stated that the parking spaces in front of each bay are meant for access to that bay. He discussed the reason for the excess spaces.

Mr. Clark responded to Ms. Williams's questions. He stated that it makes sense to mirror those doors to have pedestrian access. He stated that it is likely that it will not be 15 tenants, but rather three to four larger tenants. They can make some changes and make it more user friendly for pedestrian access.

Ms. Wierling noted that they are waiting for an opinion from the tree warden on some street trees. Ms. Love noted that the Best Development Practices Guidebook has most of the trees listed. Ms. Wierling noted minor light spillage and stated that the Planning Board usually requires zero-tolerance on light spillage. She reiterated the needed waivers and Conservation Commission approval.

Chair Rondeau stated that the applicant can cleanup all the loose ends and the hearing can be continued to the next Planning Board meeting.

***Motion to Continue Upper Union Street, Site Plan, to June 6, 2022. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

7:25 PM            **PUBLIC HEARING** – *Continued*  
***Taj Estates – 230 East Central Street***  
Special Permit & Site Plan  
*Documents presented to the Planning Board are on file.*

Chair Rondeau confirmed the applicant requested a continuance of the public hearing to June 6, 2022.

***Motion to Continue Taj Estates, 230 East Central Street, Special Permit & Site Plan, to June 6, 2022. Rondeau. Second: Williams. Vote: 5-0 (5-Yes; 0-No).***

7:10 PM            **PUBLIC HEARING** – *Continued*  
***341 Union Street***  
Special Permit & Limited Site Plan  
*Documents presented to the Planning Board are on file.*

Mr. Rick Goodreau of United Consultants and Mr. Robert Vozzella, applicant, addressed the Planning Board. Mr. Goodreau stated that they previously presented before the Planning Board. Since then, they have addressed the comment letters from the town engineer and planning staff and the comments from the Planning Board. They have made updates and revisions to the plans. He stated that they provided a letter to the Planning Board outlining those changes. He noted highlights including that they added a dumpster pad location, showed the truck turning availability to the dumpster, made some revisions to the parking space count, did soil testing which eliminated the need for protection around the rain gardens, provided details on some fencing and trees, added the HVAC units as requested and screening around the units, added walkway detail, and provided curb bumpers along all of the spaces along the building. He stated that they have requested three waivers which he reviewed. He stated that they

provided a photometric lighting plan. He stated that the area around the building is screened with 6 ft. PVC fence. He reviewed snow storage and additional fencing.

Ms. Love stated that she thinks the only outstanding item is that the applicant will need to go to the Design Review Commission for the building and any signage; this is something the Planning Board could condition. She noted that BETA was not requested to review this plan.

Mr. Maglio stated that the design of the site has changed since the applicant's last submission. There is a net reduction in impervious area on the site. They have addressed all his concerns.

Ms. Williams asked about the 5 ft. walkway in front of the building and if the patio could only be accessed through the building. Mr. Vozzella stated yes. Ms. Williams asked about snow storage on the patio and if the clearances were large enough. Mr. Goodreau explained the snow storage procedure.

Chair Rondeau asked for a layout of the curbing. Mr. Goodreau reviewed the curbing and berm proposed as shown on the plans. He reviewed the location of the dumpster pad. Chair Rondeau asked about the shared parking. He stated that he wants to make sure it is documented on the drawings and in the meeting minutes that any change of use or transfer of ownership from both sides triggers/requires the applicant to return to the Planning Board regarding the shared parking. He stated that for instance if they sell that building, it will potentially change the applicant's parking situation. Mr. Goodreau stated that they have adequate parking for their use; this is for overflow. Chair Rondeau reiterated that he wanted it documented. Ms. Wierling asked that if the applicant has adequate parking for the site and this is overflow parking, do they have to return to the Planning Board. As it is not technically required, why would the Planning Board have them return as they meet the regulations. Chair Rondeau stated that since it is shared, it should be documented. Mr. Goodreau stated that he could add a note to the plans. Chair Rondeau asked about entertainment and stated that the applicant will keep it low key and very well controlled; he does not want this to turn into a night club. Mr. Vozzella stated yes. Chair Rondeau confirmed the two sites will not be combined. Mr. Vozzella stated correct. Mr. David asked about the existing berm and who owns it. He stated that he is concerned with the stopping of a vehicle as it is very low. Mr. Goodreau stated that the berm is on the abutting site. He stated that they could add some additional curb stops along the edge. Mr. Mello stated that some of the business owners adjacent to this site reached out to him with concerns about parking. He stated that he does not think the parking is adequate. He noted that at one event, other property owners had to shoo people out of their parking spaces. He noted that in any other area it would require 40 spots. He noted that this is a Special Permit.

Mr. Goodreau stated that at this time the applicant has no plans for any signage and there are no exterior changes proposed to the building with the exception of the one-person door being replaced from a white aluminum steel door to a full glass door. He does not know if the door change would require Design Review. Ms. Love stated that she does not think the door change would require Design Review. She stated that paint would require Design Review. Chair Rondeau stated that he would like to see them go to Design Review. Ms. Love stated that if the applicant is not going to apply to Design Review for any changes, then she would have a condition that says that at this time there is no filing of exterior changes or signage. Mr. Goodreau said they would go to Design Review for signage or exterior paint in the future if needed.

***Motion to Approve 341 Union Street, Special Permit & Limited Site Plan, with the condition that at this time there is no signage proposed and no plans for exterior changes except for the door, and the applicant would need to go to Design Review if exterior upgrades or signage is proposed. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

Residents stated support for Mr. Vozzella.

7:15 PM        **PUBLIC HEARING** – *Continued*  
*158 Grove Street*  
Special Permit & Limited Site Plan Modification  
*Documents presented to the Planning Board are on file.*

Ms. Amanda Cavaliere of Guerriere & Halnon, Inc., representing the applicant, addressed the Planning Board. She stated that they were previously before the Planning Board and received comments. She stated that the applicant is proposing permanent outdoor seating rather than temporary. They are proposing Jersey barriers that would run along the edge; this is now on the plans. She stated that they had about 2 ft. of spacing between the barriers so people could go through if needed. She stated that there is a door to the left of the seating area, and access to the patio is through the building only. She stated that they are proposing three whiskey barrels of about 3 ft. in diameter for two seats each. They are not planning to increase the seating capacity. She discussed the parking. She stated that the applicant has had discussions with the fire chief regarding the parking. She reviewed the proposed amended operating hours to include Tuesdays through Sunday from 12 PM to 10 PM.

Ms. Love reviewed some of the concerns that the Planning Board had at the last meeting. She stated that a letter was received from the Fire Department. She noted that at the last meeting, the Planning Board waived the \$750 permit fee and indicated agreement with the change of hours.

Mr. Maglio stated that his previous comments had to do with providing detail on the separation of the barriers which was provided. He stated that he will defer to the Fire Department regarding the parking space.

Ms. Williams stated that 2 ft. is not legally wide enough to be considered a means of egress; therefore, she would like to see at least one of the spaces between the Jersey barriers to be wide enough to exist the patio area. She stated that 44 in. clearance is what is required. Mr. Mello asked if the garage doors would be continued for use. Mr. Olivier Edouard (via Zoom), applicant, stated that there are three garage doors and one of them is used for delivery. Mr. Mello questioned that one of the Jersey barriers would have to be moved for a delivery. Mr. Edouard explained the setup of the garage doors and patio area and that one garage door is used for delivery. Mr. David questioned that if there is a 44 in. open space, should a gate be put there so people can exit only through the space. Chair Rondeau noted that people can walk through even a 2 ft. space. Mr. David asked how high were the barriers. Ms. Cavaliere stated they were standard Jersey barriers. Chair Rondeau confirmed they were occupying the entire building. He stated that he wanted to make sure a truck for deliveries could get around the corner. Ms. Cavaliere suggested they could maybe make some room. Ms. Wierling noted that this outdoor seating has been existing since the pandemic. Therefore, they have had trucks make the deliveries without issues. Chair Rondeau stated that he wanted to make sure there were no safety concerns. Mr. Edouard stated that there have been all kinds of deliveries/trucks and there have been no issues with the existing barriers.

***Motion to Close the public hearing for 158 Grove Street, Special Permit & Limited Site Plan Modification. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

Ms. Love noted that regarding the Planning Board meeting dates, one of the dates, June 20, 2022, is a holiday. She asked if the Planning Board would like to move that meeting to June 27, 2022. Planning Board members agreed.

***Motion to Adjourn the Planning Board Meeting. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No).***

***Meeting adjourned at 8:07 PM.***

Respectfully submitted,

Judith Lizardi,  
Recording Secretary

***\*\*\*Planning Board voted on June 6, 2022 to approve the Meeting Minutes***